THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5656 OF 2006

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Dated: 21-03-2006

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BETWEEN

Kovvuri Challayamma,

W/o. Satyanarayana Reddy,

R/o. Komaripalem village,

Bikkavolu Mandal,

East Godavari District.

...PETITIONER

AND

Komaripalem Gram Panchayat,

Komaripalem, Bikkavolu Mandal,

Rep. by its Secretary and another.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondents in taking steps to demolish the compound wall and part of her house bearing D.No.2-200 situated in block No.II of Komaripalem Village, Bikkavolu Mandal, East Godavari District as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the owner of the land to an extent of 115 sq. yards situated in Block No.II of Komaripalem Village having purchased the same vide registered sale deed dated 27.06.1996, wherein she constructed a house bearing D.No.2-200 in 1997 and raised a compound wall around the said house and she has been paying house tax to the Gram Panchayat regularly. While so, the first respondent along with other staff came to the house of petitioner on 18.03.2006 and directed her to remove the compound wall as the Gram Panchayat intended to widen the road.

I am not inclined to express any opinion as to whether the petitioner encroached the road margins and whether she constructed the said house within her personal property. However, if the respondents require any property of the private individuals they cannot dispossess them or demolish the structures without following due procedure prescribed for acquiring the land either by way of private negotiations or by initiating land acquisition proceedings.

Having regard to the facts and circumstances of the case,
the respondents are directed not to dispossess the petitioner and not to demolish the structures belonging to the petitioner without following due process of law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 21, 2006

DSK